

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK MANSPEIZER,

Plaintiff,

- against -

BERGAMO FABRICS, INC., ET AL.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 5/29/09

1:08-cv-08278-RJH

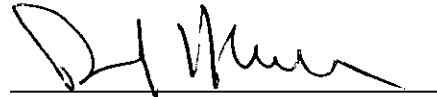
ORDER

On Thursday, May 28, 2009, a telephone conference was held in this matter before the Honorable Richard J. Holwell, United States District Court for the Southern District of New York. Present before the Court were all the parties represented by their attorneys. The Court entered the following Order:

1. Defendants shall serve a document request on plaintiff requesting any emails in plaintiff's possession that are relevant to any party's claim or defense, including emails sent by any employee or former employee of Bergamo Fabrics, Inc. to plaintiff regardless of the address at which plaintiff received such emails;
2. Plaintiff shall respond to defendant's request within twenty-one days;
3. Thereafter, if defendants have reasonable grounds to believe that plaintiff received additional emails relevant to any party's claim or defense, defendants may serve subpoenas on plaintiff's email service providers requesting a complete archive of plaintiff's email during periods relevant to this action. Any such subpoenas shall be returnable to plaintiff's counsel. Plaintiff's counsel shall forward to defendants any non-privileged emails relevant to any party's claim or defense, as well as a privilege log of emails withheld on grounds of privilege;
4. Fact discovery is extended until October 16, 2009.

SO ORDERED.

Dated: New York, New York
May 28, 2009

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell
United States District Judge